

**Rule 13 Workgroup Meeting Summary**  
**Municipal Separate Storm Sewer (MS4) Program**  
**August 21, 2001, 1:00 p.m. - 4:30 p.m.**  
**Shadeland, Conference Room C**

**Welcome and Introductions - IDEM**

The meeting began with introductions from all the attendees. Handouts for the meeting were provided.

**Purpose of the Workgroup and Approach to Developing Rules**

The reason for the rulemaking and the purpose of the workgroup was discussed. The MS4 program is based on the Phase II NPDES storm water regulations that the U.S. EPA published in the December 8, 1999 Federal Register. Indiana will adopt rule language similar to the federal regulations by December 8, 2002. The purpose for forming the workgroup is to have their input on the subject of this rule and its impact, as well as give a clear direction to the department. The feedback received at this meeting will help in the development of draft rule language. At the next workgroup comments will be received on the draft rule language. Once the workgroup is completed a second notice with draft rule language will be finalized for publishing in the Indiana Register. The rulemaking process was briefly explained to the workgroup.

**Overview of Rule 13 Outline and Discussion**

A power point presentation on the new MS4 program was made to explain the federal regulations as well as Indiana's storm water program.

Going through the outline of Rule 13, several important issues were raised:

- The representatives need at a two-week lead time to review the draft rule language before the next meeting in order to share information and get feed back from their members.
- The 90-day timeline (Dec. 2001 through March 2002) may present legal problems and a tough deadline to meet. Question about the legal ramifications of not complying with the rule.
- The possibility of having a Rule 14 for DOT was discussed.
- The need for 3-dimensional or 2-dimensional maps was brought up.
- How can correctional facilities and universities opt out of the program.
- Ordinances are not legally binding on non-state institutions. The meaning of legally binding will have to be defined in rule language.

- The state will not be dictating Best Management Practices (BMPs) but intent needs to be discussed.
- The definition of Maximum Extent Possible (MEP) needs to be discussed.
- This program has a lot of flexibility and that needs to be reflected.
- Quarterly reports.
- Information on this rule will be posted on the website.
- Standard language that goes with general permits will be in the rule and if the department required individual permits that language will be added.
- On proof of publication some preferred newspaper publication, while others preferred individual notification.
- Discussion on the use of the term “operator”. “Contact person” as an option was suggested. Term needs to be redefined so as to narrow down liability.
- Question was which receiving water can they discharge to. If it is to receiving bodies that have USGS numbers, it should be noted that some ditches have numbers too. And do they only have to discharge to OSRWs. Issue of culverts was brought up.
- New official letter required when officials change may be burdensome.
- The question was asked if the operator was the signatory or the highest ranking official. The problem of the official changing was brought up. There was some confusion about the term “operator”.
- On the legally-binding agreements issue the third party question came up. Co-signatories were suggested.
- Problem of co-entity refusing to work or maybe cannot work with the other.
- One issue was how to make an university legally-binding to a municipality.
- One suggestion was whether the operator issue could be solved through language in a local agreement.
- IDEM will research how this problem has been handled in other rules and bring some recommendations.
- Municipalities may potentially duplicate Rule 5.
- It was recommended to try to extend the 90 day language as that would cause a hardship on the clients. Some of the problem can be alleviated by getting the word out early on.
- Some discussion was in chemical vs. biological testing - which is it. Least expensive is biological and has good long term results.
- Instream monitoring vs. outfall monitoring was discussed.
- On sampling a lot of thought needs to go into cost-effectiveness and the science that is going to be employed since science is evolving. Sampling should be tied to weather and not calendar basis. TMDLs need to be looked at.
- Sampling is not the only way to establish baseline. There are standard samples we need to look at.
- Flexibility has to be built into the program and be aware of the illicit discharge potential. An effort needs to be made for Pollution Prevention education.
- It was suggested that the NOI requirements should be at a level where they permittee can do it themselves and have to hire consultants. IDEM will be using state forms.
- Definition of SWMP needs to be clear.

- Crossover between rule and guidance needs to be looked at.
- Larger communities may have much of their ordinances. Language already exists.
- Prioritization is important.
- A compliance schedule is included.
- Discussion on sampling requirements. EPA requirements re the MS4 is very vague. Specific guidance from EPA may come out later.
- Map out parameters and pattern that section after Indianapolis. 6 outfalls. Do we need in 105 entities?
- What kind of time frames do we need - 1 year? Should we start large and work downward in diameter?
- Prioritization of what state needs first with timeline perhaps based on size?
- New Jersey has tier permitting.
- Need public education on how citizens need to respond and how they are impacting storm water. Michigan has agreed to participate with Indiana on education.
- Question about storm sewer system map.
- Do not want to duplicate measures. How does CSOs wrap into this? Re-emphasize integration and need to partner with CSOs.
- Need to look at by case-by-case basis.
- Issue of entire county or urban areas open for discussion. Alternatives.
- IDEM can take enforcement steps even if ½ acre degrades WQS.
- Do we have BMPs stated?
- Operation & Maintenance should be added to number 15 of the outline as “D”.
- Value of Annual reports so IDEM can look early on for deficiencies, or Quarterly reports. Also, a question was raised whether IDEM has the staff to look at these reports.
- Wording on Reapplication within 60 days of expiration should be changed to 60 days prior to expiration.
- Language on watershed needs to be removed.
- Need to know what Inspection and Enforcement means here. Record retention used to be 3 years, here 5 years. It was explained that the permit is kept for 5 years therefore this number was selected. Need to spell out what needs to be maintained. What about electronic retention vs paper. Do these documents go to the Public Records Commissioners?
- Lot of discussion about new Rule 14 DOT rule. This will not only affect INDOT but huge impact on clients. It was requested for INDOT to be at the table to hear concerns from the workgroup. Lot of towns will be pulled in from non-urbanized DOTs. Urbanized areas are only 21. Are we going to look by counties? One suggestion was that if EPA direction is to go with Urban areas, follow that and cover DOT with Measure 6.

**Next Workgroup Meeting:**

Next workgroup meeting will be held on September 18, 2001, from 1:00 p.m. to 4:00 p.m., same location - IDEM offices, Conference Room C, 2525 North Shadeland Avenue, Indianapolis, Indiana.

On September 5, 2001, IDEM will e-mail the draft rule to the workgroup and individuals who attended the last workgroup session.

The focus of this meeting will be discussion on the draft rule presented to the group.

**Adjournment:**

The meeting was adjourned at 4:30 p.m.

**Workgroup Members Present**

Don Larson  
Glen Morrow  
Jonathan Heald  
Kent Ward  
Kevin Hogan  
Mark Balazs  
Matt Greller  
Randy Braun  
Robin Mills Ridgeway

**Other Representatives Present**

Glenn Pratt  
Steven Grabe  
Todd Trinkle

**Workgroup Members Absent**

Bowden Quinn

**IDEM Staff Present**

Cyndi Wagner  
John Nixon  
Kiran Verma  
Larry Wu  
Lori Gates  
Mary Ellen Gray